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**CITY OF MADISONVILLE**

Phillip H. Terry  
Mayor

November 4, 1997

Office of the Secretary  
Federal Communications Commission  
Washington, DC 20554

Dear Mr. Secretary:

**RE: Notice of Proposed Rule Making,  
NM Docket #97-184 97-182  
In the Matter of Preemption of State and  
Local Zoning and Land Use Restrictions on  
the Siting, placement and Construction of  
Broadcast Station Transmission Facilities**

Madisonville, Kentucky is a certified city in the State of Kentucky providing a public use airport that is used extensively for business and other commercial aviation endeavors. This encompasses the full range of aircraft operations from training, leasing, charter and air ambulance activities. The aircraft range from the single engine trainer to many based aircraft that include the Gulf Stream IV, Lear Jet, Westwind and Conquest.

This is an all weather facility providing instrument approach and landing capabilities with a current Federal Aviation Agency approved GPS, VOR and R-NAV approaches. We have currently been surveyed to develop a precision GPS approach to improve the all weather capabilities of the airport.

In order to provide safe operations it is imperative that the state and local government continue to maintain control over encroachments from transmission towers into the air space system. The Federal Aviation Agency does not have the authority to control this very important aspect of the airport and airways system. It is imperative that this control not be subverted by the preemption of the state and local zoning land use restrictions. For the above

Office of the Secretary  
November 4, 1997  
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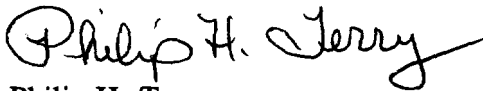
reason, we respectfully request that this preemption not be granted and that the process that has served us so well in the past not be subverted. This rule appears only to be an issue of expediency for the rapid implementation of the digital television service network.

Any intrusion into the navigable air space is a safety issue that needs to be reviewed very carefully and the federal, state and local level with permission granted only on the basis of a careful assessment of a risk/benefit formula that only can be effective by including all parties in a careful and open discussion without preemption of authority.


There are already sufficient regulations in place to deal with these decisions and they have proved through the years to be acceptable.

Sincerely,

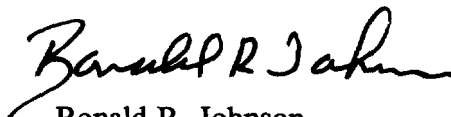
CITY OF MADISONVILLE



Philip H. Terry  
Mayor



Joseph E. Roe, M.D.  
Chairman of Airport Board



Ronald R. Johnson  
City Engineer

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

William F. Caton  
Office of the Secretary  
Federal Communications Commission  
Washington, D.C. 20554

RE: Notice of Proposed Rule Making (MM Docket No. 97-182)

Dear Mr. Caton:

Amador County would like to go on record as opposing the above referenced rule which proposes to preempt a County's authority over the location of television and radio broadcast towers.

Like many of our fellow rural counties in the Western States, Amador County has become what is popularly referred to as a Home Rule County. Federal laws 36 CFR 219.7 and 43 CFR 1610.4 give the authority and opportunity for County governments to affect federal actions by giving us equal weight in those federal agency decisions which may affect us. To that end, the Board of Supervisors has adopted policies to protect the County's historical culture, customs and continued community economic stability. One of the most critical of those policies is to maintain as much local control as possible over land use in our County. This includes the location of communications towers in our developed areas.

Your staff is correct in their statement that the location of these proposed towers has generated much controversy (e.g. the recent boom in cellular phone facilities). To merely ignore the public's concerns with a federal preemption is too simplistic a solution and will do nothing but backfire on the industry and the federally elected representatives.

It has been proven over and over again that land use decisions can only be made at the "grass roots" local level. This shortsighted, ill-advised rule will only benefit the lawyers in the long run.

Any regulation which reduces a local agency's ability to make decisions on issues which directly affect the denizens within its jurisdiction is objectionable to Amador County and we will oppose it with any means available to the Board of Supervisors.

Very truly yours,

*Rich F. Escamilla*

Rich F. Escamilla  
Supervisor, District I

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